

**Introduced by Senator McGuire**

February 25, 2015

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An act to amend Sections 798.70, 798.71, and 798.74 of, and to add Section 798.70.5 to, the Civil Code, relating to mobilehomes.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 419, as introduced, McGuire. Mobilehomes: homeowners: sale.

The Mobilehome Residency Law governs tenancies in mobilehome parks. The law, among other things, sets forth certain rights and requirements for management and selling homeowners in connection with the sale of a mobilehome, including, but not limited to, authorizing sellers to display signs advertising the sale unless prohibited by park rules, requiring the signs to contain specified information and be of an H-frame or A-frame design, and requiring management, upon request, to provide a prospective homeowner with the information management will use to determine if the person will be acceptable as a homeowner in the park.

This bill would additionally authorize a seller to display a sign of a generally accepted yard-arm type design and require management, upon request, to provide the information and standards management will use to review a prospective homeowner to the prospective homeowner or seller in writing. The bill would also revise references to a homeowner or other person selling a mobilehome to instead refer to a "seller," as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 798.70 of the Civil Code is amended to read:

798.70. A ~~homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, seller or the agent of any such person,~~ a seller may advertise the sale or exchange of his or her mobilehome, or, if not prohibited by the terms of an agreement with the management, may advertise the rental of his or her mobilehome, by displaying a sign in the window of the mobilehome, or by a sign posted on the side of the mobilehome facing the street, or by a sign in front of the mobilehome facing the street, stating that the mobilehome is for sale or exchange or, if not prohibited, for rent by the owner of the mobilehome or his or her agent. Any such person also may display a sign conforming to these requirements indicating that the mobilehome is on display for an “open-house,” ~~unless the park rules prohibit the display of an open-house sign.~~ house.” The sign shall state the name, address, and telephone number of the owner of the mobilehome or his or her agent and the sign face shall not exceed 24 inches in width and 36 inches in height. Signs posted in front of a mobilehome pursuant to this section may be of an H-frame or A-frame *or generally accepted yard-arm type* design with the sign face perpendicular to, but not extending into, the street. ~~Homeowners~~ Sellers may attach to the sign or their mobilehome tubes or holders for leaflets which provide information on the mobilehome for sale, exchange, or rent.

SEC. 2. Section 798.70.5 is added to the Civil Code, to read:

798.70.5. For purposes of this article, “seller” means a homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a manufactured home or mobilehome in the mobilehome park through the death of the owner of the manufactured home or mobilehome who was a homeowner at the time of his or her death.

SEC. 3. Section 798.71 of the Civil Code is amended to read:

798.71. (a) (1) The management may not show or list for sale a manufactured home or mobilehome without first obtaining the

1 owner's written authorization. The authorization shall specify the  
2 terms and conditions regarding the showing or listing.

3 (2) Management may require that a homeowner advise  
4 management in writing that his or her manufactured home or  
5 mobilehome is for sale. If management requires that a homeowner  
6 advise management in writing that his or her manufactured home  
7 or mobilehome is for sale, failure to comply with this requirement  
8 does not invalidate a transfer.

9 (b) The management shall prohibit neither the listing nor the  
10 sale of a manufactured home or mobilehome within the park by  
11 the homeowner, an heir, joint tenant, or personal representative of  
12 the estate who gains ownership of a manufactured home or  
13 mobilehome in the mobilehome park through the death of the  
14 owner of the manufactured home or mobilehome who was a  
15 homeowner at the time of his or her death, *seller*, or the agent of  
16 any such person *the seller* other than the management. *For*  
17 *purposes of this section, "listing" includes advertising the address*  
18 *of the home to the general public.*

19 (c) The management shall not require the ~~selling homeowner,~~  
20 ~~or an heir, joint tenant, or personal representative of the estate who~~  
21 ~~gains ownership of a manufactured home or mobilehome in the~~  
22 ~~mobilehome park through the death of the owner of the~~  
23 ~~manufactured home or mobilehome who was a homeowner at the~~  
24 ~~time of his or her death,~~ *seller* to authorize the management or any  
25 other specified broker, dealer, or person to act as the agent in the  
26 sale of a manufactured home or mobilehome as a condition of  
27 resale of the home in the park or of management's approval of the  
28 buyer or prospective homeowner for residency in the park.

29 (d) The management shall not require a homeowner, who is  
30 replacing a mobilehome or manufactured home on a space in the  
31 park, in which he or she resides, to use a specific broker, dealer,  
32 or other person as an agent in the purchase of or installation of the  
33 replacement home.

34 (e) Nothing in this section shall be construed as affecting the  
35 provisions of the Health and Safety Code governing the licensing  
36 of manufactured home or mobilehome salespersons or dealers.

37 SEC. 4. Section 798.74 of the Civil Code is amended to read:

38 798.74. (a) The management may require the right of prior  
39 approval of a purchaser of a mobilehome that will remain in the  
40 park and that the ~~selling homeowner or his or her seller or seller's~~

1 agent give notice of the sale to the management before the close  
2 of the sale. Approval cannot be withheld if the purchaser has the  
3 financial ability to pay the rent and charges of the park unless the  
4 management reasonably determines that, based on the purchaser's  
5 prior tenancies, he or she will not comply with the rules and  
6 regulations of the park. In determining whether the purchaser has  
7 the financial ability to pay the rent and charges of the park, the  
8 management shall not require the purchaser to submit copies of  
9 any personal income tax returns in order to obtain approval for  
10 residency in the park. However, management may require the  
11 purchaser to document the amount and source of his or her gross  
12 monthly income or means of financial support.

13 Upon request of *any seller or* any prospective homeowner who  
14 proposes to purchase a mobilehome that will remain in the park,  
15 management shall inform that ~~person~~ *person, in writing*, of the  
16 information management will require *and the standards that will*  
17 *be utilized in order to determine* ~~determining~~ if the person will be  
18 acceptable as a homeowner in the park.

19 Within 15 business days of receiving all of the information  
20 requested from the prospective homeowner, the management shall  
21 notify the seller and the prospective homeowner, in writing, of  
22 either acceptance or rejection of the application, and the reason if  
23 rejected. During this 15-day period the prospective homeowner  
24 shall comply with the management's request, if any, for a personal  
25 interview. If the approval of a prospective homeowner is withheld  
26 for any reason other than those stated in this article, the  
27 management or owner may be held liable for all damages  
28 proximately resulting therefrom.

29 (b) If the management collects a fee or charge from a prospective  
30 purchaser of a mobilehome in order to obtain a financial report or  
31 credit rating, the full amount of the fee or charge shall be credited  
32 toward payment of the first month's rent for that mobilehome  
33 purchaser. If, for whatever reason, the prospective purchaser is  
34 rejected by the management, the management shall refund to the  
35 prospective purchaser the full amount of that fee or charge within  
36 30 days from the date of rejection. If the prospective purchaser is  
37 approved by the management, but, for whatever reason, the  
38 prospective purchaser elects not to purchase the mobilehome, the

- 1 management may retain the fee, or a portion thereof, to defray its
- 2 administrative costs under this section.

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